

DAVE WILLIAMS

Since the early 1990s, David Williams has been the Association of Washington Cities' lead state legislative lobbyist in the areas of land use, water resources, and environmental affairs. He represented city interests in discussions leading to and during the passage of the Growth Management Act in 1990 and has been actively engaged in consideration of all amendments to it and other associated state statutes since that time.

David has worked for associations of cities in both Washington and Idaho and prior to that was a professional land use planner.



Interview with:	Dave Williams
Date:	September 19, 2005
Interviewed by:	Rita R. Robison
Transcribed by:	Brian McConaghy
Total number of tapes:	2

Tape 1, Side 1

Rita R. Robison: This interview is about the history of Washington State's Growth Management Act (GMA). The date is September 19, 2005, and the interview is taking place at AWC's (Association of Washington Cities) building in Olympia. My name is Rita R. Robison, and I will be interviewing Dave Williams today.

Rita: What interest did you have in growth management and land use planning before the passage of the Growth Management Act in 1990?

Dave Williams: Well, I was at the Association of Cities representing all of the cities around the state and I think then there were about 13 fewer than there are right now, in terms of cities. We had cities involved in land use planning lots of different ways—some of them very much into it, some of them hardly at all. But it was pretty clear that the common theme in cities in this state was that their citizens expected them to plan, to think through how they were spending money needed for infrastructure and services. We had been hearing for some time that it was frustrating to many that not everyone took it as seriously as some would like and that the coordination amongst jurisdictions wasn't as good as it could be.

We heard frustrations about how cities' planning efforts were sometimes either supported by or thwarted by actions taken by adjoining jurisdictions or the counties, and that there wasn't always the best of joint planning or the best of communications between all the different service providers who provide citizens in our communities with services—be it fire districts or water districts. We're a state that's got, I think, more special purpose districts per capita than most in the country. So, I don't know if the "City Family" per se was going, "We need something to tell us how to do this or tell us how to do it better." But when the idea came forward that something might be coming out of the state, we were thankful that we were asked to participate early in those discussions, and we thought it was something worthwhile doing.

And for me personally, it was my first opportunity to really get involved in a substantive discussion and lobbying for the Association of Cities. A person who had been in this job before me had recently left and I had a background in planning, having done it for three years in the City of Boise, Idaho. I hadn't come to work here as a planner, but they heard that I had a planning background and said, "Hey, would you be interested?" I thought, "Hey, this sounds fun!" That was in 1989.

Rita: What role did you play in the passage of the GMA?

Dave: Well, I was involved in early discussions with Speaker [of the House of Representatives Joe] King's Office about what they were looking at and some of the ideas. As an association we were asked, and I was asked to be the lead staff person for this association, to take a look at what they were doing and to figure out how to spread the word amongst city officials and start to get them thinking about what their reaction would be. Whether they liked the ideas, whether they didn't, what alternatives we had, what were some of the things that we thought should be in a bill.

At the same time, I went to my first ever conference of the city and county and regional planning directors—that was in Crescent Bar down on the Columbia River. It was the last year that the planning directors met there. And Speaker King's staff came to the meeting—Tom Campbell wanted to sit down with people and kind of go through ideas and separate into little work groups. And I remember that—this is not a statement about how the planning directors operated necessarily before then, but there were a number of them—a number of old-timers had planned a certain way, had gone to these conferences and done some business and played some golf and played some baseball and got some relaxation—and those people weren't sitting around in the room when we had these substantive discussions. I think years later they looked back and thought, "Uh-oh, [laughter] what'd we miss?" It was also one of those times when people realized—and I think, in part, because of the agenda—there were a lot more new faces, more city planning directors than county planning directors and a lot of them, most of them, stayed in the room, sat down, and worked on these issues. And I've always believed that the way the law looks has something to do with that particular conference in Crescent Bar—that the seriousness and kind of creativity of some of the planning directors—primarily city, but not all—who were there, helped shape the way this thing looked.

So, I was involved from the get go as the lead lobbyist on this issue, although I think the first two years of the act, both 1990 and 1991, things got a little tense and we called in the reserves here at the association. It became clear that this was a pretty big deal and I was still pretty green behind the ears in terms of being a lobbyist. I didn't quite understand the importance of calmly discussing items, making your point, not personalizing in negotiations. And I'd get pretty excited [laughter] and I think at one point—well it's more than one point, it's kind of towards the end—I was relieved. Someone else came in and was the closer, which was absolutely fine with me. I was in over my head, but I've been doing the lead lobbying on this issue since then.

Rita: What was the AWC position on the growth management bill proposed? What did AWC want to accomplish in the negotiations? How was AWC accommodated?

Dave: A lot of what we wanted was to make sure that the bill included local decisions, that it didn't include too many required components for us to look at. There are five mandatory elements that you look at in developing your comprehensive plan. We thought land use needed to be dealt with. We thought infrastructure needed to be dealt with. We were involved in different proposals on what the 13 goals of the act were going to be. Were those goals going to be in a priority order or not? We thought it was important that they be there and let

individual jurisdictions sift and sort how to respond to those goals.

We knew then, and it's come to pass since, that our biggest challenge in cities, in being asked to accommodate growth, was that we had the resources to do it. And that means funding to pay for the infrastructure, for the parks, for the roads, for the schools, for the things that more densely developed areas were going to need to have good quality of life, good economic development opportunities. So, just laying the groundwork for those pieces to be there—as I recall, the issues relating to what kind of dispute resolution mechanisms there would be—the growth boards ultimately—and what kind of relationships there would be between cities and counties in developing the original plans and kind of making that whole framework come together.

That really wasn't resolved until the second year in 1991 after the defeat of the initiative that was brought forward—547, the environmental community's alternative proposal which was much more like the Oregon top-down model—everybody has to do these things and everything has to be approved by the state before it's any good.

One of our key interests was to make sure that when local decisions were made that they were good unless for some reason they were found not to be good—that we didn't have to go to the state and ask for approval on everything. It's kind of hard to mix my memories of what happened then with the hindsight of the last 15 years. I don't think we really fully appreciated the need to distinguish between bigger, more complicated places and the challenges they faced in a growth management scenario, and the smaller, less complicated places. I think it still looks a little bit more “one-size-fits all” direction to local governments than probably our members are comfortable with. I just remember most of the battles having to do with the roles and responsibilities between cities and counties. We spent a lot of time trying to work that out amongst ourselves.

We spent a lot of time trying to figure out what new authorities there were going to be to raise money—so, allowing for impact fees to be charged and for what and under what conditions. That was a big deal. We spent a lot of time on that.

I remember too, before that—maybe it was the mid-year or maybe it was the year before, we actually got a Kellogg Foundation grant. We worked with Edie Harding here in town and she managed that grant for us. And we brought in people—local elected officials from six other states. I think it was six; I remember we had Georgia, we had Florida, we had California.

Rita: Oregon?

Dave: Oregon. We brought in officials from other states that had growth management systems and spent a couple of days with them up at the Holiday Inn in Renton—hearing about their experiences and kind of grilling them on what's working and what's not. We brought in the leadership—the elected leadership of the City Association, the elected leadership of the County Association and kind of hashed through that and tried to pick their brains. We heard a lot of things that we decided we didn't want—we were a little concerned that systems such as Oregon's didn't seem to be as strong, maybe as we thought it needed to be. We talked then and probably still are not doing very well at this whole notion of, if the state's going to have us do this, what is the state's interest? That's never been very well articulated, I think, and a lot of what we wanted in there that says that the state shall comply, hasn't really been tested very well. That was a key feature for us.

In a lot of ways, we don't think the state has come through with the kind of support that we hoped they would. The fact that the state complies has a lot to do with the whole review mechanisms that have been put in

place since saying, “Okay, if the state has to comply with your plans, make sure we got 60 days. You know, it’s in the statute, we get it 60 days in advance. We have opportunities to comment. We also have the opportunity to appeal you.” That whole relationship has been kind of evolving over time. It hasn’t been unsatisfactory; I just don’t know how satisfactory it’s been.

Rita: So, you said that there was some thought that Oregon’s growth management didn’t seem strong, but when people...

Dave: No, not Oregon’s, Georgia’s. I think there was quite a bit of understanding—at least amongst the people that we had who were in city leadership at the time—as to what Oregon’s system was and that it wasn’t a system that we were wanting to mirror in the kind of state approval mode. We were very interested in Oregon—it was really the only state at the time that was dealing with urban growth areas. Our people became convinced early on that that was a key feature of the act—that you had to have some line of demarcation that said, “Within areas you’re going to have urban, urbanizing things occur and outside of which you are not.” How those are set up, who set them up—all those relationships about what that meant was really important to us and I think in particular in the second year, in 1991, it was very critical to us that in statute it said, “Urban services are to be provided by cities, regional services to be provided by counties.” Making that clear line of demarcation—and I think on hindsight that in the statute has been especially critical and helpful to cities.

Rita: What is your most interesting memory of the dynamics of the events leading up to the enactment of the GMA?

Dave: [laughs] Well, several come to mind. One immediately that comes to mind is right in the midst of the bill getting serious our executive director disappeared, left [laughter]—was removed from his position. And he was kind of the intellectual force behind what we were doing. On hindsight again, I think the fact that he got the organization in a place that we were open to talking about statewide planning was a major feat in and of itself, because we hadn’t been supportive of that in the past. Also the fact that he wasn’t here with his preconceived notions as to what it was supposed to be, made it so that we probably ended up taking more not less direction from the elected officials who we worked for. We may have come up with some more flexible positions than we might have otherwise.

I well remember the splitting up of the bill between the six committees chairs—the so-called “Steel Magnolias.” My first encounter with a lot of them—I had worked with Senator [Mary Margaret] Haugen, then Representative Haugen, a little bit before as chair of the Local Government Committee. That was the primary committee that we worked on. It was my first opportunity to work with then Representative [Maria] Cantwell who was chair of the Economic Development Committee. She had some pretty strong ideas on what she thought should or shouldn’t be in the bill. That was a very interesting opportunity. Jennifer Belcher, who worked on parts of it and had some very strong ideas, I think different in many ways than the ideas we had as to what the structure should be. Busse Nutley, who was chair of the Housing Committee, I think we were much more aligned in ways with what Representative Nutley wanted. It’s just interesting to look at the Steel Magnolias—and Ruth Fisher of course—what subsequently occurred in their lives afterwards. I mean that was a real special opportunity.

Rita: A famous group.

Dave: It was a famous group and they had a lot of grit. They were fun to work with. I still think it’s amazing that we got it done in such a short period of time, anyway. As I recall it was a short session—1990.

Rita: So, tell us more about the Steel Magnolias. Did Joe have any problems getting them lined up and how did it work? Was everyone charged up?

Dave: Everyone was charged up. I'm assuming he had success getting them lined up because we got the bill passed. What went on behind closed doors and how they dealt with stuff, I'm not exactly sure. We basically dealt with the speaker kind of towards the end where we were trying to hammer out the final details, in particular on the infrastructure-financing, impact-fee kinds of things. Because we were working with the Association of Washington Business and the building industry and kind of negotiating with them—more so in year two, 1991, we had many late night negotiations with them. In fact, some were all-nighters.

That was the first place where I learned the negotiation technique is—if you say something against someone, you throw a quarter in the middle of the table and eventually you end up buying pizza and all kinds of stuff. There was a lot of money raised by people yelling at one another [laughter]. I've used the technique since. It kind of lightens the atmosphere a bit. Everybody kind of takes this stuff pretty seriously, but we were exhausted.

So I don't have a lot to add to the Steel Magnolias story other than the fact that they were great to work with. I really appreciated their grit and determination. I don't know if it could have been done without them, and I'm just thankful that the cast of characters included who was there, in particular Senator Haugen. She really was the glue that pulled it together from the local governments' standpoint and the fact that she is the sole remaining Magnolia who's still very much a player—at least at the state level. And it sure doesn't hurt to have the likes of Senator Cantwell have a grounding in this thing. Busse Nutley went on to be county commissioner in Clark County and did some very innovative things down there, helping this happen. So, they've all had a role.

Rita: What models were used in drafting the Washington GMA?

Dave: Well, I'm not the right one to really ask that. Where Tom Campbell got all of his ideas from I'm not exactly sure. Clearly a lot of it came from Oregon and lot of it came from King County. King County was probably the most sophisticated jurisdiction—was facing some of the greatest pressures and had very definitive ideas on what they thought a system should look like. And that in and of itself caused some tension—I'm not sure who you're talking to on the County Association—because it was pretty clear to us that there was not a uniform position within the “County Family.” Interestingly, as all of these things came forward and these ideas that cities were trying to think through what our positions would be, we gathered people from—we thought—a lot of different kinds of jurisdictions from around the state.

There was an amazing amount of unanimity amongst cities on how to approach this thing, and, to this day, that same degree of unanimity is almost there. Cities, regardless of size, don't operate all that differently from one another. It's the scale, the magnitude of what they do. Most, if not all, cities have people living in them that expect planning. They live close to their neighbors, always have, always will. In order for that to work well some degree of planning makes sense. They're not averse to a lot of the things that growth management has us do.

Probably one of the biggest differences with growth management was how you coordinated with your adjoining jurisdictions and how you interacted with your county. And for a lot of our people one of the things that was most appealing about this was that they never really felt like they had an opportunity to work on an equal footing with the other jurisdictions or the county. This gave everybody a seat at the table.

I can remember a number of mayors over in Stevens County—older women mayors in Stevens County—it was an opt-in county I think, eventually. I think the reasons that Stevens County is a GMA planning county, as much as they don't like it, is that these mayors—Maxine Graves from Kettle Falls was one of them—would come to Association of Cities meetings and would hear about the GMA. They thought it made a lot of sense. Why shouldn't you plan that way and why shouldn't everybody be working together and figuring out how to pay for it as you went along and putting it in the right place and saving the best lands?

Rita: Talking to each other.

Dave: Talking to each other, and they basically went and kept pushing the county to do this. It took the county a while and they said, "Even if you're not going to do it, we are" [laughs]. And we've had that same kind of general attitude. It hasn't been without its problems—definitely we've had problems, but that general sense has been there. It's been really nice for me, representing that.

Rita: What was the original intent of the GMA? Why do you think the GMA became law?

Dave: I think it was a reaction to sprawl. I think it was a reaction to development occurring in fast-growing areas without decent services—roads starting to get congested; people living in places without good recreational opportunities, parks and open spaces nearby; concerns about the impacts on the environmental quality of life here in Washington. It's one of the main things that people cite as a reason that we attract growth, because of our quality of life, and I think people felt it was threatened. I think some people felt that the proliferation of local governments, all making choices that weren't necessarily coordinated or considered, wasn't a very good way to do business—wasn't very efficient.

I think a critical factor was the support of the business community at the time and the building industry in particular. We had a system by which growth was occurring, and we could charge fees to try to help pay for the services that growth needed through the SEPA process—State Environmental Policy Act—and the nexus—kind of the process used to determine what those fees were. I don't think the housing and business community have a lot of confidence as to what those fees were going to be—that they could vary greatly depending upon what was going on in town.

Tape 1, Side 2

Dave: So I think the business community saw the opportunity to get some of their issues addressed, and I'm not sure whether they are upset that they supported the GMA. I know there's a lot of people in the business community who think GMA's good. A lot of people in the business community and in business generally have made a lot of money investing in lands in urban growth areas. They've made a lot of money. This has been very good for many businesses. Has it been good for all? Probably not, but most of the business inside the places that I represent have done very well.

Rita: What in the political climate led to the passage of the GMA?

Dave: I think the Central Puget Sound growth and the strength and visibility of the environmental community, and the things that they were hoping would happen on how to manage growth. It looked like either by state statute, or just by local adoption we were going to have something that looked a lot more like Oregon than I think a lot of people wanted. I think there was a recognition that something should happen and, when you laid out all the alternatives for a state-directed process, this looked pretty good.

Rita: What kind of pressure was there from the public to create a growth management strategy?

Dave: Well, what I thought was, that there was just continuing frustration over governments' seeming

inability to stop sprawl, to manage sprawl, to make some sense over siting decisions that were being made for subdivisions, for certain kinds of businesses. I think there was probably also a sense, at least in the faster growing areas, that farm and agricultural interests wanted to not have to be forced to convert their land before they wanted to. And that the notion of somehow identifying and protecting the best lands for agriculture and keeping them that way was a value and maybe this was one way to do it. I'm not as familiar with some of the natural resource issues as to what people felt was going wrong, and I can't remember whether some of those gold mining things up in Republic were going on at that time. But there were probably a number of high profile things happening around the state and people just thought, "Now is the time to act."

Rita: What was the opposition to the GMA and why did groups oppose it? How were they accommodated and what were the compromises?

Dave: Well, everybody had something they didn't like [laughter]. Some more than others—I'm trying to remember here. It's hard to look at it back then as compared to the changes and the fights we've had since then. I can just speak for the local governments—I think cities were much more open to the idea of planning from the get-go, as I've said. Counties, much more reluctant. I think the first iterations of the bill would have everybody doing it regardless of size or growth rate. So there was this whole notion of, wait a minute, Why does Grays Harbor County have to do this? Why do some of these other places, other smaller [places] that are not fast-growing, that are losing population, Why do they have to do this? So the determination was made that not everybody would—so it was more than ten counties back then that weren't a part of the act.

Rita: Right.

Dave: Some of them were required to plan and then those who chose to plan. So that was a compromise...

Rita: Because Lewis and Spokane came in later.

Dave: Yeah, so that was a compromise. We failed the first time to deal with how do you resolve disputes, and cities became convinced then that continued reliance upon the courts to sift through land use disputes and disputes between jurisdictions was probably not the best way to do it. Courts don't have expertise in a lot of things—land use being one of those. If we were going to have this system—if we were going to have a system that relies upon a statute that is not always crystal clear, that has room to view things differently depending upon how you read the words in the statute... Somebody was going to have to resolve disputes and what was the best model to do that.

We weren't interested in a statewide land use court for fear in more rural areas that the court would be dominated by interests in the fastest-growing Central Puget Sound kinds of places. And I can't really remember how we came up with this notion of three separate boards, who could read the law a little differently if they wanted to. They didn't have to have rules and procedures governing them exactly the same, and then figuring out who was going to be on those boards, what kind of interest they had to have.

We pushed very hard to make sure that there was local government background. We thought that was critical so that that perspective was always there. The idea of having someone who was a lawyer made sense to us. The idea of not allowing the board to be dominated by one geographic area—so you had to have them spread out. The notion of having them—cities are non-partisan, but in a partisan world—you know this notion of having them from different parties made a lot of sense to us. So that was one of the compromises. Let me think, those are the ones that come to mind at the moment. There's others since then, but the initial GMA...

Rita: So tell us more about the second year—1991. You've talked about the hearings boards. What about the

negotiations around the 1991 amendments?

Dave: Well, we had been involved as an association in the coalition of interests who opposed Initiative 547. We may have been involved in initiative campaigns before, but not when I was here, not since I had been here. And it was a pretty big deal. We as cities have always had a good relationship with both the business community and the environmental community. We see our interests as being similar with both groups, and it wasn't real easy to oppose the environmentalist initiative and we had dissent within the City Family about that.

However, my recollection is—maybe this is revisionist history—but my recollection is even those who traditionally side with the environmentalists looked at this as much more of a black-and-white issue. Which kind of system are we going to have? What amount of local control would their system have or the alternative system have? And as elected officials, their interest came down on local control. So, once that campaign was over, we had to be serious about sitting down and figuring out what the dispute resolution system was going to be.

And, as I recall, that was heavily dominated by a lot of “suits,” a lot of land use attorneys. We were involved, but our interest was much more the other part of the changes that were made in 1991, which set up the kind of process by which cities and their county would coordinate their planning efforts because the law said that you had to have plans that were consistent with one another. So, how do you figure out what is consistent and how do you do it in such a way that respects local differences, doesn't subject you to a lot of litigation—because the statutes aren't clear? So, we came up with this notion of electeds would get together and establish something called county-wide planning policies. And you had to do them quickly and you had to do them kind of broad-brushed. Those were the rules of engagement and those were the things that you could determine amongst yourselves—what was important in your county amongst your cities and how you were going to figure out how to be consistent with one another. And we'd never done anything like that before and probably—again, hindsight here—one of the things that we've underutilized more than just about anything in the act is that process on how we work things out locally. But it's very difficult to do.

It also included how to deal with the state's forecasted population. One of the reasons the business community bought into it was, “Okay, if you're going to manage growth you're going to have to not plan to avoid it, but plan to deal with it.” And you're going to get this 20-year projection of growth through the Office of Financial Management on a county-by-county basis. You have to figure out how within the county you're going to accommodate it—how you're going to zone for it, where you're going to allow it to occur, where you're not going to allow it to occur and how you're going to pay for it.

So, for instance, in King County with now 39 separate cities and the county, how do you take a number, divide it up, make everybody comfortable with that and deal with it? So, coming up with this process, I think has served us well in a lot of ways, and I think probably in the future we're going to have figure out how to use it more creatively.

Rita: So, what about the topics in the county-wide planning policies? Was there a big debate or a big discussion about what those topics should be?

Dave: There was a big discussion and big debate, but you have to realize the people who were interested in that discussion and that debate were primarily the cities and counties. The business community and environmental community put all their effort into figuring out the dispute resolution process and arguing about that with the suits and basically told cities and counties, “You guys figure this out. When you've got an agreement you tell us

and I guess we're okay with it." That wasn't their interest and it was very much ours. It's in those amendments that the language having to do with cities are urban service providers and counties are regional service providers—that's where that stuff came about.

I think the special purpose districts probably weren't as involved or as engaged in those discussions that they should have been. But the special purpose district gorilla du jour, at that time, was the Port of Seattle and the third runway. And the main interest by people was to make sure that there was nothing in there that gave one or the other side—in the third runway debate—kind of like an advantage. And, in fact, if I recall correctly, the one piece of the 1991 statute that Governor Gardner vetoed had to do with language dealing with special purpose districts. And I think there's been some debate since then about, do special purpose districts have to comply with local land use plans and regulations or not? And it's our contention—and I think the courts have upheld—yes, they do. But I know the special purpose districts continue to feel like we don't show them enough respect, we don't involve them enough, we don't consider their needs in plans as much as we should. And I know that that's something that our folks are trying to remedy where they can.

Rita: How well do you think the growth management hearings boards are doing in carrying out their duties?

Dave: Today's date is the 19th of September 2005. I could give you a different answer for that question depending on what day I'm answering it.

Rita: Well, how are they doing today?

Dave: Not as well as we'd like [laughs].

Rita: Now is that all three of them or just one of them?

Dave: Our experience with the growth hearings boards has been not as significant or contentious as the counties' experiences have been. The main issues that seem to have caused a lot of rancor that have been before the boards have been about things happening in the more rural, environmentally-sensitive areas outside of urban growth areas. We haven't had—considering the fact we have 281 cities—a lot of city experience in front of the growth boards compared to the 39 counties, many of them who've been there several times. Cities have done well when in front of the growth boards, generally speaking. Cities have appealed—early on some cities appealed their counties. Early on—much rarer—some cities appealed other cities—to kind of set the stage for what was going on.

In the current round of required reviews and updates—in the Central Puget Sound primarily—we've seen a number of cities appealed having to do with how people feel they're accepting—or how they're zoning for more dense development. The Central Puget Sound growth board is the only one of the three boards that has stipulated that you should be zoning all residential land at four units per acre or more and if you don't, you need a good reason why not. And that has been controversial with a number of cities and there's been a very recent Supreme Court case—within the last month—that calls into question whether the growth board even has that authority to make such policy distinctions. It's called the *Viking* case. So, there's a lot of suits—lots of lawyers—looking at all this, arguing about what it all means; whether or not the boards have over-stepped their authority. It's really one of the first times that a number of cities are questioning the boards and their authorities.

So, I'd say overall—over the last 15 years—we've had pretty good experiences. I think there's a number of people who think that the boards make a lot of sense with their background, with their expertise in land use. We have a lot of former city officials. In fact the president of the Association of Cities, at the time that the act was passed, was a board member—was one of the first board members appointed—Nan Henriksen

from Camas. She was there at least ten years. We've had a number of city officials on the boards. We have a number of city officials currently of the boards—former city officials. So, I don't know—the jury's out, the jury's out.

Rita: In terms of how the GMA is structured, what do you think are the most important parts of the law?

Dave: That you identify where growth's going to happen and you give some assurances to people as to what can or can't be done to their land, with their land. I think that's really important. I think the notion—as I've mentioned before—about a lot of average folks who don't deal with land use, don't think about a lot of this stuff, but jurisdictional boundaries and decisions made within jurisdictions should be well-coordinated, should be thought through. It seems logical, but under the former system it didn't necessarily happen.

There's an efficiency in how we provide services, how we spend the public's money. I think—I hope—that GMA helps us do better. Cities thought that we were the right place for growth to happen. The law says we are. Our job is to say “yes” to development and deal with the consequences of that. I look at the people who work for counties and I'm glad for who I do work for, because I think a lot of the time, the people in counties, their job is to say “no” to development and that's hard. People have expectations with their land that maybe they can't fulfill. That doesn't seem to be the case in cities. Our bigger challenge is how do we deal with more people in cities and the demands that they put on services, and the conflicts that arise over more people living and working closer to one another.

Rita: What was the early process for local governments to begin their work under the GMA? How did cities respond?

Dave: Most cities had some sort of plan and set of development regulations and zoning codes on the books already. A lot of jurisdictions just had to take what they had and reformat it. I think that's what they thought they were supposed to do. Many of them took the “let's-kind-of-start-from-a-little-more-scratch” approach. Let's do the public involvement that the act says we're supposed to do. Let's figure out how this all fits together and bring people in.

I think we had a full range of experience from people just literally taking this off the shelf, dusting them, reformatting them, and turning them in. Those are the communities that, I believe, didn't need to do growth management very much because there wasn't a lot happening, there weren't a lot of pressures. I don't think communities originally thought that GMA was going to actually help them plan for their future, attract economic development and activity that they were sitting there hoping would come. I think one of the nice things that we've seen with GMA is there are jurisdictions that actually used it as a tool to try to create their vision and get there.

I know, for instance, just last week, the chairman of the Senate Government Operations and Elections Committee—Senator Kastama—was over in Eastern Washington visiting a number of cities and counties just to get an idea of life outside the Central Puget Sound. He's from Puyallup, lives in the middle of this growth. And he was in Yakima, he was talking to people there—very supportive of a lot of the tenets of the GMA. The GMA has done good things for Yakima. Do they like the appeal process, the hearings boards' process? Probably not. He stopped off in the City of Grandview, which has gone through some major economic development opportunities that they credit in part to their work on GMA.

Tape 2, Side 1

Dave: So, places like Grandview, they can tell a story. The senator went on to the Tri-Cities. Well, if you look

at the Tri-Cities as it was in 1990 and you look at the Tri-Cities as they are now... Did growth management play a role in the transformation of that area? I don't know, but I bet you could find people there who said there were benefits to doing what they did. You have to remember that places like the Tri-Cities, places like Yakima—they did pretty darn good planning even before GMA. Actually the places that had the hardest time doing good planning and coordinating with one another were right up and down the I-5 corridor—kind of much more parochial interests I think, harder to get along with your neighbors. A lot of these jurisdictions in the more rural part of the state—this isn't rocket science to them, this stuff makes sense. Their problem with it is—it's the state telling them to do it rather than trying to do it on their own.

Rita: Name the five most important successes of the GMA from the viewpoint of cities.

Dave: The five most important things, let me see. Oh, it's kind of like a broken record, but this notion that if it looks like a city, smells like a city, and feels like a city it should be a city—or be part of a city. You're talking to somebody who thinks that city government makes the most sense. I mean it's the one closest to the folks who live in the community. The elected officials get harangued in the grocery store. You can't get away with making decisions and not being held accountable when you work for cities, when you live in cities. And we think that this gives cities more tools to help ensure good services, good quality of life. We're frustrated that they're not as good a tool as we would like. There aren't as many as we'd like, but I think it's been really good for that—good for the people who operate cities. Hopefully good for the people who live in cities.

Five things, you wanted five good things that we did. It got people who do planning in cities and people who pour concrete or lay pipes talking with one another and realizing that there was a benefit in talking to one another more than they have in the past. It allowed people in smaller communities to feel that they have a say in shaping the future of their more regional community. So the mayors in Stevens County—who are affected by decisions that the county and others were making, but didn't have the ability so much to be a part of how those decisions were made and implemented—now have a voice. They can do well or they can screw it up [laughs], but they have a voice. It's gotten, probably, the state's attention on what we do, how we do, what we need a little more sharply in focus than before.

If for no other reason, GMA implementation's been relatively high profile in the press since enactment, and you can't really escape knowing something about it and how decisions are made and how controversies are resolved. So, I think that's been good. It's helped, I hope, change the dynamics for bad land use decisions chasing the all-mighty sales tax dollar. With our system of taxation in this state and what it takes to operate a city and city services and operate a county and county government, we're very reliant on the sales tax. And as frustrating as it is for some, you just can't site "sales tax" anyplace to get the money and those sales-tax-generating land uses tend to be sprawl inducing and need a lot of services. So, maybe we've done something about land use and finances and stuff all at the same time.

Rita: How has the GMA evolved? What significant things have been accomplished under the GMA by cities to meet the goals the law was intended to achieve? How has the GMA changed land use patterns in the state?

Dave: Well, that's about an hour-and-a-half's worth of questions, some of which I've already answered. How it's evolved, I think, has been interesting—and again I'm looking at it from the standpoint of year after year after year since the enactment of GMA, there have been proposed land use changes in Olympia. Since the GMA, there has been a couple of commissions appointed to look at necessary changes, listen to people's complaints.

We've gone through different power centers in the Legislature. We've had Democratically controlled legislatures. We've had Republican-controlled legislatures. We've had jointly controlled Republican and Democratic legislatures. And every year there's been people complaining about GMA.

We had a property rights initiative, spurred on in part by land use regulations coming out of GMA in terms of saying what you can or can't do on your property and people feeling that that was above and beyond what local governments and the state should be doing. We've had to fight back and respond to those kinds of initiatives that failed, but it was kind of nasty. There've been a lot of battles, battle lines drawn. At the same time, there are environmental, business, good government interests that have learned to kind of listen to one another, hear each other's perspectives, figure out ways to compromise, make some changes, improve the act, be a little bit nimble on how we deal with it.

And we're in the midst of going through one of those right now with Governor Gregoire's initiative to kind of look at some of the sore points of the act and figuring out what to do with them. So, it's kind of a living, breathing thing and I don't think that's bad. It's not always fun, but overall, if there was a scorecard, I think the basic tenets of the act that are important to cities have been maintained, and we, as much as anybody, want to make some tweaks to things.

I think one of the biggest frustrations is—I've got a map that your office actually produced for me. It shows, on a map of the state of Washington, the location and boundaries of cities and for those planning under GMA in those 29 counties, what their urban growth boundaries are. And if you look at that map on the wall, most of the economic activity in this state, most of the sales tax and property tax receipts in this state, are in these little colored blobs and those are the people that I represent. The fights have been what to do with the big white spaces. What do you do with the areas—a lot of it owned by the federal government in Eastern Washington, that's not on the tax rolls, that's not productive for individuals living in those counties? What do you do in the areas where the ag or the resource economy is having problems, having problems going through transition? They've always gone through transitions. Do you sustain those areas by doing things the same as they are now? Do you sustain those areas by allowing them to subdivide into residential lots for people who may or may not show up? People go where the jobs are. Trying to create jobs in a lot of these places—I can understand the desire to do it; it's going to be very difficult to do.

And we seem to spend an inordinate amount of time talking about ways to try to do that rather than talking about ways to make sure that the places with the growth, with the economic activity that can sustain it, can do so in a quality way because they're not facing the same challenges, the same upheavals as you see in some of these rural areas. The urban areas don't make a lot of noise and—what's the phrase about the greasy wheel...? The wheel that's squeaking gets the grease. So, it's just—it's frustrating because there are real issues, real challenges, real opportunities to make GMA work even better in these urban and urbanizing areas, and it's hard to get people's attention unless there's a crisis or a perceived crisis.

Rita: So what about sprawl? You mentioned that that was one of the reasons that the GMA was enacted. So, do you think the GMA has changed the land use patterns in the state?

Dave: I think the GMA has been one factor that's changed land use patterns in the state, and if people don't think land use patterns have changed in the state, all they need to do is go to downtown Bellevue. All they need to do is go to downtown Vancouver, downtown Tacoma, downtown Puyallup. You can rattle off these places and you see—Renton.

Actually some of the most interesting land use changes that I've seen—I had an opportunity one time to take a flyover of the urban growth boundary in King County with a number of city councilmen and county commissioners. It was something sponsored by an antisprawl group and some of the densest development that I've seen—as dense as downtown Seattle—is up on the Sammamish Plateau, up in the Issaquah highlands. There's a lot of high-density development going on in these areas. There's some very exciting, vibrant places to go and see almost 24-hour activity because you've got people living and working there. So, there are changes.

Now do we still have more traditional sprawling subdivisions going in? Yes. Are they the same as they used to be? I think most of them—the lots are smaller, the streets are narrower. They're closer to services, there's more consideration of making sure that there's schools or portables right there when needed, parks and open space opportunities. It's not perfect by any stretch of the imagination.

I don't know if anybody's done a detailed study of trying to determine the development that's occurred since GMA, how much has occurred on prior-platted lands which are vested, or how much has occurred on stuff that wasn't vested prior to GMA's adoption. I think even some of the land that was allowed to subdivide under the old rules has probably re-subdivided under the new rules to be smaller lots because the market allows them to do it. I mean, I think the market's changed also since GMA was enacted. You have a lot more people interested, with resources, to move into the downtown Bellevues, the downtown—north of downtown in Seattle, Belltown. I mean thousands of new units have been built there. And that story's replicated other places.

I was just in Bellingham a week or so ago and the original city—the original settlement there in Bellingham was Fairhaven. Bellingham came later and eventually annexed into the City of Bellingham. But Fairhaven hadn't had residential construction in 20 or 30 years and in the last year or two the amount of new—high-end, not cheap—residential condo construction at Fairhaven is extraordinary and in Bellingham just generally. Now I didn't go out and see how Bellingham has stretched out to Lynden, to the east, I know that's happened. So, I don't exactly know what all the edge-sprawl patterns are, but I think they're successes.

Rita: So, you talked about amendments to the GMA over the years. Are there any that you'd like to talk about in more detail? You know, the coordination with shorelines—you're probably not as interested in the rural amendments. What about the...?

Dave: Well, the rural amendments—what interests me—and I think I said it before is, there's a ton of attention that's been paid, a lot of pages of statute have been added about rural flexibility, but if you listen to a lot of people, it hasn't helped. And I think fundamentally the question is, You've got a lot of—and I'm not an expert on rural issues, but it's going to be hard satisfying the people in rural areas if what they want to do with their land is whatever they want to do with their land. And that's difficult, I'm not belittling that conflict, but it's there, it's inherent, and it will always be there. So, I'm not sure how much of that can be fixed.

We have spent most of the last 15 years fighting back bad ideas—changes to the act that were detrimental to the interests of cities. I wish I could say we spent more time figuring out how to improve it, but most of what we need to improve it is cash. And even in the flushes of times, there's been a reluctance to give us cash.

We also are somewhat of our own worst enemies because we do well under the circumstances and resources that we've got. We've had good economic times, we've been able to absorb and accommodate quite a substantial amount of growth. When the Growth Management Act was put in place, I think 52 percent of the people in this state lived in the cities. We're over 60 percent now living in cities and the number continues to

climb. The unincorporated population of counties has actually decreased, I think, since GMA.

We've had to respond to pressures from the development and real estate communities who want us to micromanage and keep intricate detailed accounts of how much land is consumed and how it's used inside the cities and urban growth boundaries—the Buildable Lands Program which came in 1997. It's extraordinarily expensive and it's good data to keep. But we tried at the time to say we should have the ability to sell the data that we were creating. But because it's public record we couldn't charge for it. So, we have to do all this work and there's no way to pay for it. That's been our...

Rita: And state funding has been cut.

Dave: State funding has been cut, has been eliminated. We actually passed a bill that said the program would go away unless there's a certain amount of money that's provided every year and we got a little. We overreached, we got a little greedy. If we hadn't put the actual dollar figure in, the Governor would have signed the bill, but once we put the dollar figure in he was convinced that that was a bad precedent and he vetoed the bill. That was Governor [Gary] Locke, who actually did wonderful things for GMA. I don't want to make it sound like he—all the governors have done good jobs for us. Fighting off the unfunded mandate portion has been really a big deal. We have gotten the Legislature to pay much more attention to when they're going to give us something new to do—figure out how they're going to give us the money at the same time. In fact, some amendments that have been made to the act—I think it's an Economic Development and a Parks and Recreation Element were added to the law specifically with the provision that says, only if funding is provided to do the work. That was a really...

Rita: Before your update.

Dave: Yeah, that was a really important element that we got in there. There was some horse-trading to get that, but we got it. Shorelines—very controversial, very expensive. We haven't really seen what's going to happen there, but shorelines plans of 200 or so cities who do the shorelines work—has to be done soon. It's going to be expensive because we have to do some very sophisticated inventory of environmentally sensitive shoreline areas. There's no money to do that. The statute again says, you don't have to do it until you get the money unless you don't get the money by 2011 or 2013 and then, oh by the way, you have to do it. But we'll fight that fight in a few years. How that system—which is different than GMA—when we do shorelines regulations 200 feet back from the high-water mark of certain state-designated shorelines, the plans and regulations we put in place are only good once the state's approved them. That's not GMA—GMA, our plans are good once they're in place unless someone appeals them and has them overturned. So, how those two systems mesh and how the permitting meshes there, I don't know. It'll be a challenge.

Rita: So, you talked about cash and then infrastructure is another continuing problem. I see you have publications on that, so anything you want to say about that?

Dave: Well, we would come up with information that says, oh, we have this problem on funding infrastructure. And people would say, oh, you always say that, prove it to us. So, we proved it to people. We did a study through the Public Works Board a number of years ago to document how we identified our infrastructure needs, how we paid for them, what sources of money were currently available, whether or not they were over-subscribed.

For instance, every jurisdiction who does growth management has to do a capital plan that says how they're going to pay for the services needed to accommodate this growth, and it's supposed to show that it's

real. Each plan, individually, looks like we have the money to fund it because we're seeking this grant or that grant or this grant or that grant, but when you add up—as the study did—what the total funding requests were, they far exceeded available resources. I mean, it's a joke. We don't have the money to do this. We keep putting Band-Aids on. So people—legislators and other interests—went, “Oh! This is real!” But nobody comes up with a solution.

We actually have some ideas on how to help fund infrastructure and are advocating for a proposal that would allow cities and counties to charge an additional local real estate excise tax, above and beyond what we currently do, and do that instead of charging impact fees under growth management. Impact fees are only on new construction. Real estate excise tax is on the transaction on new and existing home—a broader source of funding, a much richer source of funding. Currently—based on 2003 figures—the 70 or so cities collecting impact fees under GMA raise about \$23 million a year. If we were to have an additional .4 real estate excise tax, it would yield probably in the range of \$150 to \$175 million a year that we could spend on infrastructure. Not just infrastructure for new growth, for new subdivisions, but infrastructure needs within an entire community. And we think it makes a lot of sense, and we're working very closely with people in the business community and the environmental community to promote that. Realtors don't like it.

Rita: So, the next question is about how the GMA has shaped communities and some examples of how the GMA is working well. You've addressed that several times. You talked about the downtowns and how those improved and you also talked about how subdivisions have narrower streets and smaller lots. Any other good examples of how the GMA is working well for cities?

Dave: Well, I don't know whether it's related to GMA or not, but I sure love roundabouts. You go around the state now and, before GMA, I don't know if we had any traffic circles here. I don't know whose bright idea that was, but traffic circles make it so that cars keep moving—you don't have to stop at lights, you don't end up polluting the air more by stopping and starting and accelerating fast. And they're fun to drive, it's kind of like being in a theme park.

Rita: It's like being in England. You can pretend you're in Europe.

Dave: Yeah, no it's great. And there's a lot of them right here in Olympia and Lacey and Tumwater. I think they're great and you go to other parts of the state and you see those kinds of things. You see downtowns with mixed uses. You see people living above retail. You see people wanting to do that. I think that stuff's fun, it's exciting. Did that, you know, did GMA make that happen? It didn't hurt it, I think it helped it.

Rita: How did the Department of Community, Trade and Economic Development (CTED) react to the GMA? How has CTED's role in administering the GMA changed over the years?

Dave: CTED was instrumental, and we very much wanted CTED to be the one in charge of helping us do this work. CTED produced a lot of guidance documents, how-tos—how to do a plan, how to do this element or that element of the plan, how to deal with neighboring jurisdictions, a number of things. We worked closely in the early years in particular with CTED in putting on a number of workshops around the state—helping people how to figure out how to do this stuff. Planning conferences have become a lot more popular and profitable since this all started.

Tape 2, Side 2

Dave: Depending upon the personalities involved and the issues of the day, we've had real close, ongoing communications with CTED about what the needs of cities are, what kinds of products are needed. We used to

meet a couple of times a year just to talk about what's happening, what's needed, where do we direct resources. We don't do that as much now. I'm not complaining—I think there's other ways that CTED gets their information, from listening to me and people like me. So, until somebody tells me they're having a problem, I think it's great.

We have resisted CTED getting rulemaking authority—to tell us how to do it, by rule. We like guidance, we like suggestions, we don't like hard and fast rules. I think we will continue to resist that, although some in the planning profession who work for cities would like that. That's not what our electeds are telling us.

We've really appreciated the advocacy for finding money to do basic planning and to do more creative planning—competitive grants, we think that's really good and the fact that they've kept their eye on the ball, trying to help us do that stuff. We can always use more. We think it's been great the way that they've advocated within the state government for coordinated responses to local governments on our plans—how you're kind of the filter for comments that go out to cities from state agencies.

Whoever came up with the idea—I don't know if it was Holly Gadbaw or Steve Wells or somebody—that every letter that goes to a city, every letter that goes and comments upon a plan starts out with things they're doing well and that just sets a tone that I think is incredible. I really commend you folks for doing that.

Rita: How do you view growth management today?

Dave: Wearily [laughs]. It's kind of the framework for a lot of what our cities do—it's shaped around growth management. For the near-term at least, it's here to stay. We'll have to continue to defend parts of it. We'll continue to figure out what our members think needs to be changed to make it work better.

For instance, right now, we're facing concerns about cities being able to annex areas. If indeed the Growth Management Act says fill in the urban growth areas by cities, there's a lot of people living in those areas—some of them in densely populated areas and some of them not—some of them who want to be in cities and some of them who don't. And it's interesting the reasons we find that they don't want to be in cities isn't so much about it's going to cost them more. It's because there's different rules about keeping your dog on a leash or keeping a cow or a horse in the backyard in the city than there is in the county. It's those kinds of things that people get upset about.

And figuring out how to have these places get services from cities in some areas like King County and others—not continue to be a fiscal drain on the county, who're trying to provide regional services and it's hard to provided urban services to pockets of urban development. It's a challenge, it's a tough one and a lot of these places—again, because of our tax structure, there isn't enough revenue generated from these residential areas to pay for the services needed there, and we have cities reluctant to annex them, knowing that they should. Those are some of the issues we're facing and this whole question about how to deal with density, increase density, and allow local choices about where that density goes and not have cookie-cutter approaches in cities. That's a huge challenge.

Rita: The annexation study that CTED did was quite eye opening—documented a lot of the things that you mentioned.

Dave: We have lots of studies documenting things, but actually getting statutes changed to address them... Unless there's a huge problem, unless there's a visible “in-your-face” kind of problem, it's hard to get legislators' attention to that. I think you'll see, as an example, I think this issue of how do cities zone for density is one of those problems—is a problem that is capturing legislators' attention. It's very, very

neighborhood focused.

Rita: If another state wanted to adopt a growth management law, what advice would you give them?

Dave: Do what we did in the beginning and invite people from any other state that's got one and grill the heck out of them and figure out what's working, what's not, and how any of that makes any sense in your local areas—in your state, under your circumstances. Don't bite off more than you can chew. Figure out what it is you really want to accomplish.

You know, I don't know if we had it to do over again if we would... You know, knowing what we know now, I'm not sure our folks would support a statewide system. It seemed like the right thing to do at the time, and I think we've done better than many with the act, as cities. But given the current political climate, given the challenges we face, it'd be interesting to see whether our folks would recommend other states do this. I don't know the answer to that.

Rita: Do you have any additional comments? Anything you'd like to add?

Dave: No, other than thank you for doing this. It's been fun. It's been really fun to be involved in this issue and it's not just an issue. It stretches its fingers into just about everything that communities do. I just wish it stretched its fingers a little bit more into things the state did.

Rita: Thank you.

Dave: Thank you.